
Appeal Decision

Site visit made on 12 December 2016

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19th January 2017

Appeal Ref: APP/M1595/W/16/3158025
66 Church Lane, Bulphan, Essex RM14 3TT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Walker-Hepburn against the decision of Thurrock Borough Council.
 - The application Ref 16/00057/FUL, dated 27 December 2015, was refused by notice dated 10 June 2016
 - The development proposed is described as 'stationing of temporary mobile home'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form submitted with the appeal, which is dated 27 December 2015, describes the development as being for the 'stationing of a temporary mobile home', however, the application drawings show a permanent building and the appellants' design and access statement refers to a 'Family Annex'. The Council's decision notice describes the development as being for the 'retention of a 3 bedroom detached family annexe' (the annexe), based on the details shown on the application drawings, and the appeal form describes the development in the same terms. I have also been provided with correspondence between the appellants' agent and the Council which refers to the development being for an annexe. A letter of representation from the occupier of a neighbouring property received by the Council prior to the application's determination also refers to an annexe.
 3. I am therefore content that prior to the application's determination the appellants had agreed that the development was for a permanently built annexe. I have therefore determined the appeal on that basis, rather than it being for a development concerning the stationing of a mobile home.
 4. The shell of the single storey annexe building has largely been completed, although no fenestration has been installed and the external walls have not been clad and the interior is unfinished. I have therefore determined the appeal on the basis of it being for a development that has not been completed. There is an inconsistency between the floorplan and the elevations for the building shown on the submitted drawings, with the floorplan showing a 'cart lodge' wing that does not appear on the elevations. Notwithstanding that inconsistency I have taken account of the cart lodge
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wing because it is clearly shown on the floorplan, its shell has been constructed and the Council took account of it in reaching its decision.

5. The surname of the appellants variously appears as Walker Hepburn, Walker-Hebbon and Walker-Hebborn on the application form, appeal form and the Council's decision notice. The appellants' agent has advised that the correct spelling is Walker-Hepburn and I have used this in the banner heading above.
6. The appellant has submitted that the appeal property (No 66) '.... Is part of the village and not out in the Green Belt.' For the purposes of clarifying No 66's relationship with the Green Belt, the Council has provided an extract from the Policy Map that accompanies Thurrock Core Strategy and Policies for Management of Development of 2011 (the Core Strategy) and the Thurrock Core Strategy and Policies for Management of Development Focused Review: Consistency with the National Planning Policy Framework of 2015 (the CSPMDFR). The Policy Map extract shows No 66 and the neighbouring properties as being within the Green Belt. Green Belt policy considerations are therefore relevant to the development and I address them in my reasoning below.

Main Issues

7. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the development on the openness of the Green Belt and the character and appearance of the area; and
 - If the development would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development in the Green Belt

8. While the building has been described as an annexe, its floor area and layout suggest that in practice it would be comparable to a three bedroom bungalow.
9. The National Planning Policy Framework (the Framework) advises that new buildings within the Green Belt are inappropriate, although a building may be considered as being not inappropriate if it comes within one of the six exceptions listed in paragraph 89 of the Framework. The two possible exceptions applicable to this case are firstly that the development would be an extension to a building and would not amount to a disproportionate addition to the original building (paragraph 89's third exception). The second possible exception being that the building would be a replacement structure in the same use as the former building and would not be materially larger than the existing structure (paragraph 89's fourth exception).
10. With respect to the third exception I consider the degree of physical separation from No 66, which I estimate would be around 200 metres, means that the building could not be considered to be an extension to No 66. It is submitted that the building would be a replacement structure, however, few

details (size and use) of the former building have been provided. The Council contends that the annexe would be beyond No 66's 'domestic curtilage', and the appellant has not disputed that claim. On the available evidence, I consider that the building to be replaced was not in domestic use. Accordingly whether the new building would be of a comparable size to the replaced building is of no consequence for the purposes of any consideration under the fourth exception.

11. Policy PMD6 of the CSPMDFR addresses development with the Green Belt and like the Framework identifies a number of exceptions that may be considered as being not inappropriate development within the Green Belt. The first and second exceptions listed under Policy PMD6 parallel paragraph 89's third and fourth exceptions. The third possible exception listed in Policy PMD6 addresses development within 'established residential frontages' and under this exception new dwellings on 'genuine' infill plots may be considered as being not inappropriate. I consider the siting of the annexe, as a building akin to being a dwelling, would not amount to a form of acceptable infilling as envisaged by Policy PMD6.
12. For the reasons given above I find that the development would not come within the scope of exceptions listed in paragraph 89 of the Framework or Policy PMD6 of the CSPMDFR. I therefore conclude that for the purposes of the Framework and CSPMDFR the annexe would be inappropriate development within the Green Belt. The development would therefore, by definition, be harmful to the Green Belt, having regard to paragraph 87 of the Framework, and I find that great weight should be given to that harm.

Openness and character and appearance

13. Paragraph 79 of the Framework advises that openness is an essential characteristic of the Green Belt. The land on which the annexe would stand and that to the rear of the neighbouring residential properties is generally free from built development. While the annexe's effect on the area's openness would be quite localised, there would nevertheless be a small negative effect in this respect. There would therefore be some conflict with Paragraph 79 and Policy PMD6 of the CSPMDFR and the reduction in the openness of the area would result in some harm, in addition to that arising from the inappropriateness of the development.
14. Additionally the built mass of the building would erode the rural character of the area, with there being a clear distinction between domesticated rear garden areas of No 66 and the neighbouring dwellings and the land that lies beyond those gardens. The annexe would have a box like appearance, given its elongated form and the use of an extensive flat roof. I therefore find that the building, allowing for the intention to add cladding, would have a poor appearance. I recognise that the annexe would be quite discretely located, being sited in close proximity to the end of the rear garden of the neighbouring property at No 64. However, I consider the annexe's siting would not justify allowing a building with such a poor appearance.
15. I therefore conclude that the building would be harmful to the character and appearance of the area. There would therefore be conflict with Policy CSTP22 of the Core Strategy and Policy PMD2 of the CSPMDFR and paragraphs 57 and 61 of the Framework because the development would not be of a high quality of design and would fail to respond sensitively to the character of its

surroundings. I attach significant weight to the harm to the character and appearance of the area.

Other Considerations

16. I recognise that the appellants wish to accommodate both a person in need of care and carers for that person and that the annexe would assist with this. However, the appellants' case does not demonstrate why the need they have identified could only be met by a building of the size and siting that has been chosen. The available evidence does not persuade me that the development represents the only way of meeting the care need that has been identified by the appellants and I therefore attach limited weight to this aspect of the appellants' case.

Conclusions

17. The building would be inappropriate development within the Green Belt. While the building's presence would have a limited effect on the openness of the Green Belt, it would nevertheless be of a poor design and would be harmful to the rural character of the area. Those harmful aspects of the development collectively attract substantial weight. As I have explained above I consider that limited weight can be attached to the appellants' care needs case and I find it to be outweighed by the harm that I have identified.
18. Consequently there are not the very special circumstances necessary to justify inappropriate development within the Green Belt. I therefore conclude that the development would be contrary to Policies PMD2 and PMD6 of the CSPMDFR, Policy CSTP22 of the Core Strategy and the Framework and that the appeal should be dismissed.

Grahame Gould

INSPECTOR